



City of Santa Barbara California

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: August 18, 2010
AGENDA DATE: August 25, 2010
PROJECT ADDRESS: 140 and 180 Conejo Road (MST2006-00273)
TO: Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
 Danny Kato, Senior Planner *DJK*
 Kathleen Kennedy, Associate Planner *KAK*

I. PROJECT DESCRIPTION

The project consists of a Lot Line Adjustment between Parcel One (140 Conejo Road, APN 019-042-014) and Parcel Two (180 Conejo Road, APN 019-042-012 & -013).

Proposed Adjusted Parcel One would be 9.33 acres (gross/net) with an average slope of 48% and Proposed Adjusted Parcel Two would be 4.32 acres (gross), 4.09 acres (net) with an average slope of 33%. Proposed Adjusted Parcel One would have a 16,124 square foot development envelope with an average slope of 20% and Proposed Adjusted Parcel Two would have a 20,890 square foot development envelope with an average slope of 27%.

The 2,800 square foot, two-story single-family residence that currently exists on the hilltop of Parcel One would remain, and would be contained within the proposed development envelope of Proposed Adjusted Parcel One. The development envelope for Proposed Adjusted Parcel Two would accommodate a new single-family residence and accessory structures although no development is currently proposed.

Both Proposed Adjusted Parcels would have restricted use areas, where no development is allowed, due to the onsite geologic conditions, as shown on the Lot Line Adjustment Exhibit. Vegetation management per the Wildland Fire Plan would be allowed outside the proposed development envelopes.

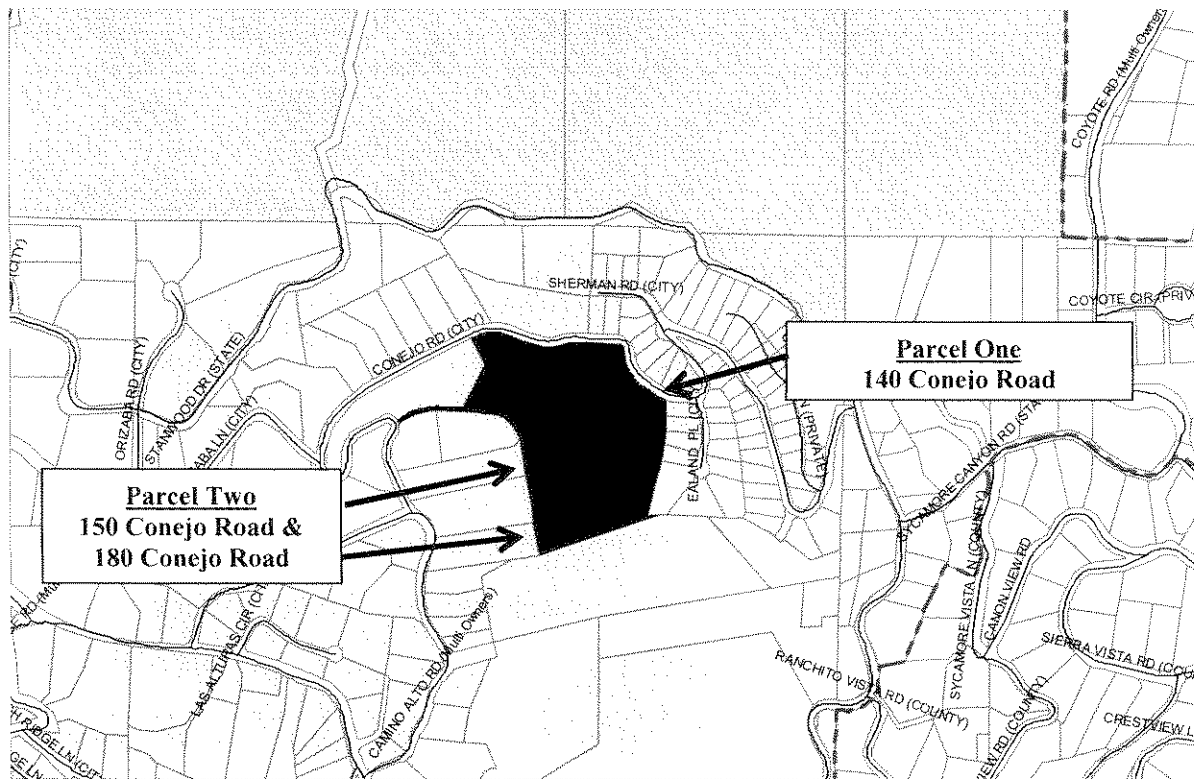
The parcel at 150 Conejo Road (see Exhibit 2, Lot Line Adjustment and Vicinity Map below) may have been created in violation of the Subdivision Map Act and the applicable City ordinances in effect at the time of the subdivision; therefore, a voluntary lot merger of 150 and 180 Conejo Road was completed. The new address for the merged parcel is 180 Conejo Road. A new assessor's parcel number for the merged parcel has not yet been assigned by the County of Santa Barbara.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Lot Line Adjustment between two existing lots (SBMC §27.40).

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. Therefore, Staff recommends that the Staff Hearing Officer adopt the Mitigated Negative Declaration, approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Vicinity Map for 140, 150 & 180 Conejo Road

APPLICATION DEEMED COMPLETE:
DATE ACTION REQUIRED:

March 23, 2009 (timelines suspended until 3/8/10)
September 8, 2010

IV. SITE INFORMATION

Applicant: Alicia Harrison, AICP, Land Use Planner, Brownstein Hyatt Farber Schreck, LLP	Property Owners: Parcel One: Financial Resources, Ltd. Parcel Two: Dr. Andrew Gotelli
Parcel Number: Parcel One (019-042-014) Parcel Two (019-042-012 &-013)	Lot Area: Parcel One (9.45 acres) Parcel Two (4.22 acres)
General Plan: Residential, One unit per acre; Major Hillside	Zoning: A-1, One-Family Residence
Existing Use: Single-Family Residential	Topography: Over 30% slopes
Adjacent Land Uses:	
North - Single-Family Residential South - Single-Family Residential	East - Single-Family Residential West - Single-Family Residential

V. ZONING ORDINANCE CONSISTENCY

The project site is in the A-1, One-Family Residence zone. In the A-1 zone, the minimum lot size requirement is one acre. Slope density requirements are applied when slopes are greater than 10 %. In this case, since slopes are over 30%, the minimum lot area for new parcels is three acres (3.0 times minimum lot area). The proposed project would comply with this requirement because each adjusted parcel would be greater than three acres. In addition, both adjusted parcels would have the required one hundred feet of frontage on a public street.

VI. ISSUES

A. DESIGN REVIEW

No new development is currently proposed for the project site; therefore, the proposed project was not reviewed by the Single Family Design Board. Any new development including the future construction of one new single-family residence in the proposed development envelope of Adjusted Parcel Two would require approval by the Single Family Design Board.

B. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element: The General Plan Land Use designation for the project site is Residential, one unit per acre. The project site is located in the Cielito neighborhood of the City. The project site is located in the portion of the neighborhood that is also designated as Major Hillside. The existing development in the neighborhood consists of single-family residences, which are almost entirely on lots in excess of one acre in size. The topography varies from rolling to very steep, with existing development primarily on the rolling portions. As discussed in the Initial Study analysis, the proposed development envelope for Proposed Adjusted Parcel Two would be located on the northern (downhill) side of the project site and the majority of

each adjusted parcel would remain undeveloped. The type of use (residential) and the intensity of the use appear to be appropriate according to the Land Use Plan. Therefore, the project is potentially consistent with the Land Use Element.

Seismic Safety/Safety Element: The Seismic Safety/Safety Element requires that development be sited, designed and maintained to protect life, property, and public well-being from seismic and other geologic hazards, and to reduce or avoid adverse economic, social, and environmental impacts caused by hazardous geologic conditions. The Seismic Safety/Safety Element addresses a number of potential hazards including, geology, seismicity, flooding, liquefaction, tsunamis, high groundwater, and erosion.

The project site is subject to a number of geologic and environmental constraints. As discussed in the Initial Study analysis, potential impacts associated with these hazards would be adequately addressed by implementing the required mitigation measures in order to reduce or avoid potential environmental impacts associated with unstable geologic conditions. Therefore, the project is potentially consistent with the Seismic Safety/Safety Element.

Conservation Element: City Conservation Element policies provide that significant environmental resources of the City be preserved and protected. The Conservation Element requires implementation of resource protection measures for archaeological, cultural and historic resources; protection and enhancement of visual, biological and open space resources; protection of specimen and street trees; maintenance of air and water quality; and minimizing potential drainage, erosion and flooding hazards. The following four policies directly apply to the proposed project:

Visual Resources Policy 2.0 "Development on hillsides shall not significantly modify the natural topography and vegetation."

The proposed development envelope for Proposed Adjusted Parcel Two would be located on the northern (downhill) side of the project site and would have an average slope of 27%. The future construction of one new single-family residence will be compatible with the surrounding residential area and will not significantly alter the topography of the site. No significant vegetation would be removed. Therefore, the proposed project can be found potentially consistent with this policy.

Visual Resources Policy 3.0 "New development shall not obstruct scenic view corridors, including those of the ocean and lower elevations of the City viewed respectively from the shoreline and upper foothills, and of the upper foothills and mountains viewed respectively from the beach and lower elevations of the City."

The proposed development envelope for Proposed Adjusted Parcel Two would be located on the northern (downhill) side of the project site and would only be visible from the immediate area along Conejo Road. The project is not anticipated to obstruct important public scenic views to the ocean or lower elevations of the City, and is not anticipated to substantially obstruct upper foothill or mountain views from the beach or lower elevations of the City. Therefore, the proposed project can be found potentially consistent with this policy.

Biological Resources Policy 4.0 "Remaining Coastal Perennial Grasslands and Southern Oak Woodlands shall be preserved, where feasible."

The proposed project would protect the small clusters and individual native coast live oak trees along Conejo Road, although they are not considered part of a Southern Oak Woodland. These are the only substantial biological resources located on the site. Therefore, the project can be found potentially consistent with this policy.

Biological Resources Policy 5.0 "The habitats of rare and endangered species shall be preserved."

The Biological Survey for the proposed project states no sensitive biological resources (special status plant, animal, or plant community), other than the small clusters and individual native coast live oak trees, were identified within or adjacent to the proposed development envelope of Proposed Adjusted Parcel Two. Therefore, the project can be found potentially consistent with this policy.

Open Space Element: The Open Space Element is concerned primarily with conserving, providing, and improving, as appropriate, land and water areas significant in the Santa Barbara landscape. Those would be defined as the ocean, mountains, major hillsides, creeks, shoreline, major parks and the freeway. The project site is located in one of two Major Hillside areas of the City. Development on each adjusted parcel would be limited to a development envelope and a majority of each parcel would remain undeveloped. Therefore, the project can be found potentially consistent with the Open Space Element.

Housing Element: The Housing Element encourages construction of a wide range of housing types to meet the needs of various household types. The proposed project would result in one additional housing unit. Therefore, the proposed project is potentially consistent with this goal of the Housing Element.

Housing Element Policy 3.3 "New development in or adjacent to existing residential neighborhood must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood."

The neighborhood surrounding the project site is comprised of single-family residential development. The size and design of a future residence would be subject to review and approval by the City's Single-Family Design Board (SFDB). Therefore, the proposed development would be potentially consistent with this policy of the Housing Element.

Circulation Element: The City's Circulation Element contains goals and implementing measures to reduce adverse impacts to the City's street system and parking by reducing reliance on the automobile, encouraging alternative forms of transportation, reviewing traffic impact standards, and applying land use and planning strategies that support the City's mobility goals. As discussed in the traffic section of the Initial Study, traffic and circulation impacts resulting from the proposed project are minor, and thus the proposed project could be found potentially consistent with the Circulation Element.

Noise Element: The City's Noise Element includes policies intended to achieve and maintain a noise environment that is compatible with the variety of human activities and land uses in the

City. The proposed project would not generate a substantial increase in existing ambient noise levels in the area due to the nature of the proposed use (one new residential unit). Short-term construction noise is minimized through implementation of the City's Noise Ordinance requirements. Therefore, the proposed project could be found potentially consistent with the Noise Element.

C. ENVIRONMENTAL REVIEW

Environmental review of the proposed project has been conducted pursuant to the California Environmental Quality Act (CEQA) and related Guidelines. The proposed project does not qualify for a Categorical Exemption because the proposed development envelope for Proposed Adjusted Parcel Two would have a slope greater than 20%. A Draft Initial Study and Mitigated Negative Declaration (MND) were prepared to evaluate the project's potential impacts on the physical environment. The analysis identified potentially significant but mitigable environmental effects in the following issue areas: *biological resources, geophysical conditions, and hazards*. In addition, recommended mitigation measures were identified to further reduce less than significant impacts associated with *air quality*.

The Draft MND was available for public review from April 5 to May 4, 2010. No comment letters were received. No one from the public requested a public hearing on the environmental document; therefore no public hearing was required to be held. As a result, a Response to Comments section of the proposed Final Mitigated Negative Declaration was not prepared.

A proposed Final Mitigated Negative Declaration has been prepared. The analysis concludes that no significant environmental impacts would result from the project as mitigated. Below is a brief summary of the Final Mitigated Negative Declaration evaluation.

Aesthetics: The proposed project would have no impact on scenic views, and the impacts to on-site aesthetics and lighting would be less than significant.

Air Quality: The proposed project impacts related to long-term (area source and operational) emissions, short-term (construction) emissions, global climate change, cumulative emissions, sensitive receptors and odors would be less than significant. With the implementation of recommended mitigation measures related to construction activities and equipment, the impacts of the proposed project would be further reduced.

Biological Resources: The proposed project would have no impact on wetland habitat. The proposed project impacts related to rare/endangered species or their habitats, natural communities, and wildlife dispersal would be less than significant.

The proposed project impacts to oak trees would be potentially significant, mitigable because the existing individual coast live oaks trees located close to Conejo Road have the potential to be damaged by grading and construction activities. With the implementation of required oak tree protection measures, the impacts would be reduced to a less than significant level.

Cultural Resources: The proposed project would have no impact on archaeological, historic, ethic or religious resources.

Geophysical Conditions: The proposed project would have no impacts related to seiche or tsunami. The proposed project impacts related to fault rupture, ground-shaking, liquefaction, subsidence, grading, and changes in topography would be less than significant.

The proposed project impact related to landslides would be potentially significant, mitigable because there are areas on the site that do not have the adequate factors of safety against seismically-induced landslide hazard. The recordation of a "Restricted Use Area" on each Adjusted Parcel that would prohibit any development in those designated areas and would only allow development within the proposed development envelopes would reduce the impacts to a less than significant level.

The proposed project impact related to soils would be potentially significant, mitigable due to creep-prone and highly expansive clay soils. Adherence to the recommendations in the Engineering Geologic Report regarding the design and construction of any new development would reduce the impact to a less than significant level.

Hazards: The proposed project would have no impacts related to exposure to health hazards. The proposed project impacts related to hazardous substances and creation of health hazards would be less than significant.

The proposed project impacts related to high fire would be potentially significant, mitigable because the project site is in the City's High Wildland Fire Hazard area. Compliance with the City's High Wildland Fire Hazard requirements for vegetation clearance and landscape design are identified as mitigation to reduce project related wildland fire hazard impacts to a less than significant level.

Noise: The proposed project impacts related to noise (long-term operational/ short-term construction) and exposure to high noise levels would be less than significant.

Population and Housing: The proposed project would have no impacts on housing displacement. The proposed project impacts related to growth would be less than significant.

Public Services: The proposed project impacts related to fire protection, police protection, schools, public facilities, roads, other governmental services, electric power or natural gas, water treatment or distribution facilities, sewer, water demand, and solid waste generation (long-term operational/ short-term demolition and construction) would be less than significant.

Recreation: The proposed project impacts related to recreational demand and existing recreational facilities would be less than significant.

Transportation and Circulation: The proposed project impacts related to long-term traffic, short-term (construction) traffic, access, circulation, safety, parking, and pedestrians/ bicyclists would be less than significant.

Water Environment: The proposed project impacts related to permeability, drainage, flooding, surface water quality and ground water quality would be less than significant.

The proposed Final Mitigated Negative Declaration has identified no significant and unavoidable impacts related to the proposed project. Pursuant to CEQA and prior to approving the project, the Staff Hearing Officer must consider the Mitigated Negative Declaration. For

each mitigation measure adopted as part of a Mitigated Negative Declaration, the decision makers are required to make the mitigation measure a condition of project approval, and adopt a program for monitoring and reporting on the mitigation measures to ensure their compliance during project implementation. The mitigation measures described in the proposed Final Mitigated Negative Declaration have been incorporated into the recommended conditions of approval for this project. In addition, a mitigation monitoring and reporting program (MMRP) is included in the project's Final Mitigated Negative Declaration.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. FINAL MITIGATED NEGATIVE DECLARATION ADOPTION

The Staff Hearing Officer has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review process.

The Staff Hearing Officer finds on the basis of the whole record before it (including the initial study and comments received) that there is no substantial evidence that the project will have a significant unmitigated effect on the environment.

The Staff Hearing Officer finds that the Final Mitigated Negative Declaration reflects the Staff Hearing Officer independent judgment and analysis.

The Staff Hearing Officer finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed project. The Staff Hearing Officer hereby adopts the Final Mitigated Negative Declaration for the project.

The Staff Hearing Officer hereby adopts a mitigation monitoring and reporting program for measures required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

The location and custodian of the documents or other material which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

B. DEPARTMENT OF FISH AND GAME FEE

An Initial Study has been conducted by the lead agency, which has evaluated the potential for the proposed project to result in adverse effects, either individually or cumulatively, on wildlife resources or the habitat on which the wildlife depends. For this purpose, "wildlife" is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability" (Section 711.2 Fish and Game Code). This project has the potential to affect wildlife resources or the habitat on which wildlife depend, and is subject to the Department of Fish and Game fee.

C. LOT LINE ADJUSTMENT (SBMC §27.40)

The parcels resulting from the lot line adjustment will conform to the City's Zoning and Building Ordinances and policies of the General Plan. The adjusted parcels would exceed the minimum slope density requirements for lot size and would meet the public street frontage requirement.

Exhibits:

- A. Conditions of Approval
- B. Lot Line Adjustment
- C. Applicant's letter, dated July 26, 2010
- D. Final Mitigated Negative Declaration
- E. Site Plans (under separate cover)

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

140 AND 180 CONEJO ROAD
LOT LINE ADJUSTMENT
AUGUST 25, 2010

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **California Department of Fish and Game Fees Required.** Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this project shall not be considered final unless the specified Department of Fish and Game fees are paid and filed with the California Department of Fish and Game within five days of the project approval. The fee is \$2,010.25 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination cannot be filed and the project approval is not operative, vested, or final. The fee shall be delivered to the Planning Division immediately upon project approval in the form of a check payable to the California Department of Fish and Game.
- B. **Design Review.** Future development on the project site is subject to the review and approval of the Single Family Design Board (SFDB). SFDB shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.
 1. **Landscape Plan.** The final landscape plan shall adhere to the Fire Department Landscape Guidelines for properties that are in the high fire hazard area. These plans shall be reviewed and approved by the Fire Department. (H-2)
 2. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
- C. **Recorded Conditions Agreement.** Prior to the recordation of the Lot Line Adjustment for the project on the Real Property, the Owner shall execute a *written instrument*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on August 25, 2010 is limited to a Lot Line Adjustment between Parcel One (140 Conejo Road, APN 019-042-014) and Parcel Two (180 Conejo Road, APN 019-042-012 & -013), as shown on the Lot Line Adjustment Exhibit signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara. Each adjusted parcel includes a development envelope and a restricted use area based on geologic conditions.
 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.

3. **Development Rights Restrictions.** The Owner shall not make any use of the restricted portion of the Real Property as designated on the approved Lot Line Adjustment Exhibit in order that those portions of the Real Property remain in their natural state. Each adjusted parcel includes a development envelope, as well as a restricted area due to onsite geologic conditions. These restrictions include, but are not limited to, the right to develop the restricted portions with any grading, irrigation, buildings, structures, ornamental landscaping, or utility service lines. The Owner shall continue to be responsible for (i) maintenance of the restricted area, and (ii) compliance with orders of the Fire Department. Any brush clearance shall be performed without the use of earth moving equipment.
4. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
5. **High Fire Vegetation Management.** Developments located in the High Fire Hazard area are required to maintain vegetation to create an effective fuel break by thinning dense vegetation (mosaic style) and removing dry brush, flammable vegetation and combustible growth from areas within 100 feet of all buildings or structures (or 150 feet in areas with slopes greater than 30%). The owner shall perform the following maintenance annually for the life of the project.
 - a. Cut and remove hazardous brush, shrubs, and flammable vegetation such as dry grass and weeds within 100 feet of any structure (or 150 feet in areas with slopes greater than 30%) and within 2 inches of the ground.
 - b. Thin brush from streets and driveways both horizontally and vertically along the property. Flammable vegetation must be cleared on each side of the street or driveway for a distance of 10 feet and a vertical distance of 13 feet, 6 inches. Vegetation must be cut to within 2 inches of the ground. This applies to the public or private driveway and any public or private streets that border the property.
 - c. Remove dead wood, trim the lower branches, and limb all live trees to 6 feet above the ground (or as much as possible with younger, smaller trees), especially trees adjacent to buildings.
 - d. Trim tree limbs back a minimum distance of 10 feet from any chimney opening.

- e. Remove all dead trees from the property.
 - f. Maintain the roof of all structures free of leaves, needles or other vegetative debris.
 - g. Legally dispose of all cut vegetation, including any debris left from previous tree trimming and brush removal. Cut vegetation may be chipped and spread throughout the property as a ground cover, up to 12 inches in depth, and at least 30 feet from any structure. (H-1)
- D. **Public Works Submittal.** The Owner shall submit the following or evidence of completion of the following to the Public Works Department prior to recordation of the Lot Line Adjustment.
- 1. **Lot Line Adjustment Required.** The Owner shall submit an executed Agreement Related to the Lot Line Adjustment, Quitclaim Deed and Acceptance Thereof/Declarations of Lot Line Adjustment to the Public Works Department, including the legal description of the subject properties prior to, and following the lot line adjustment. A licensed surveyor shall prepare the legal description and said Agreement/Declaration shall be recorded in the Office of the County Recorder.
 - 2. **Restricted Use Area.** Each Adjusted Parcel shall have a "Restricted Use Area", as shown on the Geologic Map dated May 2009, prepared by Gold Coast Geoservices, Inc., where no development is allowed. The "Restricted Use Area" shall be recorded on each Adjusted Parcel as part of the Lot Line Adjustment. (G-1)
 - 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
- E. **Community Development Requirements with Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit and finalized prior to Building or Public Works Permit issuance:
- 1. **Project Environmental Coordinator Required.** Submit to the Planning Division a contract with a qualified representative for the Owner, subject to approval of the contract and the representative by the Planning Division, to act as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the Mitigation Monitoring and Reporting Program (MMRP) and Conditions of Approval to the City. The contract shall include the following, at a minimum:
 - a. The frequency and/or schedule of the monitoring of the mitigation measures.
 - b. A method for monitoring the mitigation measures.
 - c. A list of reporting procedures, including the responsible party, and frequency.

- d. A list of other monitors to be hired, if applicable, and their qualifications.
 - e. Submittal of monthly reports during demolition, excavation, grading and footing installation and monthly reports on all other construction activity regarding MMRP and condition compliance by the PEC to the Community Development Department/case planner.
 - f. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in the MMRP and conditions of approval, including the authority to stop work, if necessary, to achieve compliance with mitigation measures.
2. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice and the mailing list shall be reviewed and approved by the Planning Division prior to being distributed. An affidavit signed by the person(s) who compiled the mailing list shall be submitted to the Planning Division.
 3. **Contractor and Subcontractor Notification.** The Owner shall notify in writing all contractors and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a copy of the notice to the Planning Division.
- F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits.
1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Single Family Design Board.
 2. **Mitigation Monitoring and Reporting Requirement.** Owner shall implement the Mitigation Monitoring and Reporting Program (MMRP) for the project's mitigation measures, as stated in the Mitigated Negative Declaration for the project.
 3. **Nest Protection.** Proposed project activities, including tree and vegetation removal, shall occur outside the breeding bird season (February 1 – August 15). If project activities cannot be feasibly avoided during the bird nesting season, the project proponent shall conduct a survey prior to construction, using a qualified biologist approved by the City Environmental Analyst, to detect protected nesting native birds in the vegetation and trees being trimmed and within 300 feet of the construction work area. The survey shall be conducted no more than three days before construction is initiated. If an active nest is located, construction within 500

feet of a raptor nest and 300 feet of any other nesting bird and vegetation trimming shall be postponed until the nest is vacated and juveniles have fledged and this has been confirmed by the qualified biologist. (BIO-1)

4. **Engineering Geologic Report Recommendations.** Site preparation, grading and project construction shall be in accordance with the recommendations contained in the Engineering Geologic Report prepared by Gold Coast Geoservices, Inc., dated July 27, 2008 (Geologic Map dated May 2009). Compliance shall be demonstrated on plans submitted for grading and/or building permits. (G-2)

5. **Energy Use.** Minimize the use of energy by designing and constructing structures using sustainable development principles including green building designs and materials. (AQ-20)

6. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

7. **Oak Tree Protection Measures.** The following provisions shall apply to existing oak trees on site:

- a. During construction, fencing or protective barriers shall be placed around and three feet outside of the dripline of all oak trees located within 25 feet of any grading.
- b. No grading shall occur under any oak tree dripline, except as indicated on the drainage and grading plan for construction of the single-family

residence. Grading within the dripline during construction of this area shall be minimized and shall be done with light (one ton or less) rubber-tired equipment or by hand. If use of larger equipment is necessary within the dripline of any oak, it shall only be operated under the supervision and direction of a qualified Arborist.

- c. A qualified Arborist shall be present during any grading or excavation adjacent to or beneath the dripline of any oak tree. Any roots encountered shall be cleanly cut and sealed with a tree-seal compound. Any thinning or root pruning and trimming shall be done under the direction of a qualified Arborist.
- d. No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
- e. Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock. (BIO-2)

8. **Conditions on Plans/Signatures.** The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Archaeologist contract submitted to Community Development Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Architect

Date

License No.

Engineer

Date

License No.

- G. **Construction Implementation Requirements.** For any future development on either parcel, all of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.

1. **Construction Dust Control – Minimize Disturbed Area/Speed.** Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less. (AQ-1)
2. **Construction Dust Control - Watering.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to achieve minimum soil moisture of 12% to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust. (AQ-2)

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas every three hours. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
3. **Construction Dust Control – Tarping.** Trucks transporting fill material to and from the site shall be covered from the point of origin and maintain a freeboard height of 12 inches. (AQ-3)
4. **Construction Dust Control – Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes or a pipe-grid track out control device shall be installed to reduce mud/dirt track out from unpaved truck exit routes. (AQ-4)
5. **Construction Dust Control – Disturbed Area Treatment.** After clearing, grading, earth moving or excavation is completed, the entire area of disturbed soil shall be treated to prevent wind erosion. This may be accomplished by:
 - a. Seeding and watering until grass cover is grown;
 - b. Spreading soil binders;
 - c. Sufficiently wetting the area down to form a crust on the surface with repeated soakings as necessary to maintain the crust and prevent dust pickup by the wind;
 - d. Other methods approved in advance by the Air Pollution Control District. (AQ-5)
6. **Construction Dust Control – Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. (AQ-6)
7. **Stockpiling.** If importation, exportation and stockpiling of fill material are involved, soil stockpiled for more than two days shall be covered, kept moist by applying water at a rate of 1.4 gallons per hour per square yard, or treated with soil

binders to prevent dust generation. Apply cover when wind events are declared. (AQ-7)

8. **Construction Dust Control – Project Environmental Coordinator (PEC).** The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when construction work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading for the structure. (AQ-8)
9. **Exhaust Emissions – Engines.** Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) shall be used. (AQ-9)
10. **Engine Size.** The engine size of construction equipment shall be the minimum practical size. (AQ-10)
11. **Equipment Numbers.** The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time. (AQ-11)
12. **Equipment Maintenance.** Construction equipment shall be maintained to meet the manufacturer's specifications. (AQ-12)
13. **Engine Timing.** Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines. (AQ-13)
14. **Catalytic Converters.** Catalytic converters shall be installed on gasoline-powered equipment, if feasible. (AQ-14)
15. **Diesel Catalytic Converters.** Diesel catalytic converters, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available. (AQ-15)
16. **Diesel Replacements.** Diesel powered equipment shall be replaced by electric equipment whenever feasible. (AQ-16)
17. **Idling Limitation.** Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes; auxiliary power units shall be used whenever possible. (AQ-17)
18. **Worker Trips.** Construction worker trips shall be minimized by requiring carpooling and by providing for lunch onsite. (AQ-18)
19. **Biodiesel.** Biodiesel shall be used to the maximum extent feasible. (AQ-19)
20. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).

The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.

21. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below: (look at longer or shorter hours and Saturday construction, depending on project location)

New Year's Day	January 1st*
Martin Luther King's Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number that is answered by a person, not a machine.

22. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
- During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.

- c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
 - 23. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 - 24. **Mitigation Monitoring Compliance Reports.** The PEC shall submit monthly reports on all other construction activity regarding MMRP compliance to the Community Development Department.
 - 25. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) and Project Environmental Coordinator's (PEC) name, contractor(s) and PEC's telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The construction contact phone number shall include an option to contact a person instead of a machine in case of emergency. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
- 1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 - 2. **Mitigation Monitoring Report.** Submit a final construction report for mitigation monitoring.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the

Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The Staff Hearing Officer's action approving the Lot Line Adjustment shall terminate two (2) years from the date of the approval, per Santa Barbara Municipal Code §27.40.100.

July 26, 2010

VIA HAND DELIVERY

Ms. Susan Reardon
Staff Hearing Officer
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101



Alicia Harrison
Land Use Planner
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805.965.4333 fax
aharrison@bhfs.com

RE: August 25, 2010 Hearing of the Staff Hearing Officer
Consideration of Gotelli/Financial Resources, Ltd. Lot Line Adjustment Application
MST#2006-00273
Assessor Parcel Numbers: 019-042-014, -013 and -012
140, 150 & 180 Conejo Road, Santa Barbara

Dear Ms. Reardon:

On behalf of the Owners, Dr. Andrew Gotelli and Financial Resources Ltd., a Texas limited partnership, Brownstein Hyatt Farber Schreck, LLP is requesting your consideration of a Lot Line Adjustment (**LLA**) application at the August 25th Staff Hearing Officer Hearing. Dr. Gotelli is the owner of 150 and 180 Conejo Road, and 140 Conejo Road is owned by Financial Resources, Ltd. Owners have authorized the continued joint processing of the LLA for all properties, 140, 150 and 180 Conejo Road (**Property**).

The LLA application was submitted to the City of Santa Barbara (**City**) on May 9, 2006. Comments on the application were provided by the City Planning Division via a DART letter on June 8, 2006. The LLA was materially revised to address all issues raised by the DART. In a letter dated March 23, 2009 staff indicated that the LLA was complete and supportable by staff as proposed.

Project Description

The project includes a LLA between a voluntary merger of APNs 019-042-012 and 019-042-013 (**Merged Parcel**) and APN 019-042-014 (**Project**). The Merged Parcel has already been processed and recorded per Instrument No. 2010-0017500 of Official Records of the County of Santa Barbara. The merger was based on the determination that the subdivision of APN 019-042-012 from APN 019-042-013 did not occur in compliance with the Subdivision Map Act and was not approved by the City.

The LLA will result in two proposed parcels including Adjusted Parcel One of 9.33 gross acres (9.33 net acres) and Adjusted Parcel Two of 4.32 gross acres (4.09 net acres). The LLA map also shows proposed development envelopes for the two parcels, including a 16,124 square foot development envelope for Adjusted Parcel One with a calculated slope average of 20.0% and a 20,890 square foot development envelope for Adjusted Parcel Two with a calculated slope average of 26.7%. The calculated slope average for the Adjusted Parcels is 48.2% for Parcel One and 33.3% for Parcel Two.

The lot lines are proposed to be adjusted so as to meet the minimum slope density requirements of the A-1 Zone District, provide 100 feet minimum of public street frontage for each parcel and accommodate feasible development envelopes for each parcel which readily address utility access, drainage, Fire Department standards and engineering geologic conditions on the Property, as described below.

The proposed development envelope for Adjusted Parcel Two would accommodate a new single family residence and proposed accessory structures. A recently remodeled two-story residence of approximately 2,800 square feet currently exists on Adjusted Parcel One. No development is proposed for Adjusted Parcel Two as part of this application.

Access to the existing single family residence on Adjusted Parcel One is via a 12 foot wide private driveway off of Conejo Road, a 40 foot improved public road. Access for the proposed development envelope on Adjusted Parcel Two is to be coincident with an existing partially improved driveway entrance off of Conejo Road on the northern side of Adjusted Parcel Two. As stated above, both parcels are configured to have at least 100 feet of frontage along Conejo Road, a public street.

The existing single family residence is currently serviced by City water and sewer. There are no septic tanks on the property, and no septic tanks are proposed as part of this application. There is an existing City sewer main adjacent to the Property along the northern Conejo Road boundary. The Property is eligible to connect to this main at such time a building permit for a new single family house is issued for Adjusted Parcel Two.

Engineering Geologic Report

An Engineering Geologic Report (**Report**) was prepared by Gold Coast Geoservices, Inc. dated July 27, 2008, and supplemental letters were provided on March 4 and March 8, 2010. The Report's findings establish that the Property is suitable from an engineering geologic standpoint for the proposed LLA and for new residential development within the proposed development envelope areas.

The Report also recommends a "Restricted Use Area" over those portions of the Property that do not have adequate factors of safety against seismically-induced landslide hazard and soil slip hazard potential. This proposed area is shown on the Project Geologic Map and includes the slope areas at the south and east sides of Proposed Adjusted Parcel One and along the north side of Proposed Adjusted Parcel One and Proposed Adjusted Parcel Two.

The Report also provides recommendations for consideration by the design professionals for any future development of the site related to expansive soils and foundation systems.

Based on the information provided, we respectfully request your consideration of the Owners' LLA application on August 25, 2010.

Please contact me if you have questions regarding this matter.

Sincerely,



Alicia Harrison
Land Use Planner